



City of Taunton Municipal Council Meeting Minutes

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*Temporary City Hall, 141 Oak Street, Taunton, MA
Minutes, January 26, 2016 at 7:40 O'clock P.M.*

Regular Meeting

Mayor Thomas C. Hoye, Jr. presiding

Prayer was offered by the Mayor

*Present at roll call were: Councilor's Marshall, Cleary, Borges, Dermody, McCaul
Quinn, Pottier, Carr, and Croteau*

Record of preceding meeting was read by Title and Approved. So Voted.

Communications from the Mayor:

Mayor Hoye stated that he had the opportunity to meet with the Mass DOT Aeronautics division today and spoke about the new potential terminal building at the airport. It is good news and will solve a lot of ADA issues out there. The City will be responsible for only 5% of the cost. They spoke about the potential of bringing water in. He thanked Councilor Borges for helping to set the meeting up. It will be a great thing for the airport. He stated that he met with Congressman Joe Kennedy who expressed his support on some of our Economic Development issues. He is looking to do a regional project tying in some of the Providence market as well. He will be meeting with Governor Raimondo and Governor Baker. Mayor Hoye stated that the continuation of the Committee on Finance and Salaries meeting was held today at 11am. He stated that the week before we went over a lot of good points and there was a problem with the video so some people did not get to see the meeting in its entirety. All of the non-union contracts were discussed and some changes were made to the contracts that the Councilors received last week. He stated that some of them are just language changes and one is a salary difference. He started with the Secretary to the Mayor's contract. In the first paragraph, the language was added to say by "its exclusive bargaining agent". **Motion was made to move approval. So Voted.** The Confidential Legal Secretary's contract was changed to read in the first paragraph, the language was added to say by "its exclusive bargaining agent" The base pay will be \$1,015.63 per week and in addition to her base pay, she shall receive a stipend of \$3,000 per year for performing the additional duties for the Historic District Commission described on page one of this agreement. Said stipend shall be payable in the amount of \$57.69 per week, to be considered as part of her regular compensation so long as she performs said additional duties. If she decides against doing it at some point, that would be removed automatically. Also, the Confidential Legal Assistant will be subject to annual performance evaluations and eligible for annual salary adjustments as determined by the City Solicitor and the Mayor, subject to appropriation by the Municipal Council. **Motion was made to move approval. So Voted. Councilor Carr voting in opposition.** The next contract is the one for the Assistant City Solicitor. On page 5, the sick leave has been changed to read "Upon his retirement, resignation,

termination of employment for any reason, the Attorney, or in the event of termination of employment due to his death, his heirs or estate, shall receive a lump-sum payment equivalent to 75% of his regular day's pay for each unused day of sick leave up to a maximum of 200 days". Also, on page 5 the bereavement leave was changed from up to 10 business days to up to 5 business days. **Motion was made to move approval. So Voted. Councilor Carr voting in opposition.** The City Solicitor's contract has the same two changes as the Assistant City Solicitor's contract did. On page 5, the sick leave has been changed to read "Upon his retirement, resignation, termination of employment for any reason, the Attorney, or in the event of termination of employment due to his death, his heirs or estate, shall receive a lump-sum payment equivalent to 75% of his regular day's pay for each unused day of sick leave up to a maximum of 200 days". Also, on page 5 the bereavement leave was changed from up to 10 business days to up to 5 business days. **Motion was made to move approval. So Voted. Councilor Carr voting in opposition.** There are several changes to the Chief of Staff's contract. In the first paragraph, the language was added to say by "its exclusive bargaining agent". Under duties, it was added that "Works under the general supervision of the Mayor; Provides administrative assistance to the Mayor; Acts as Constituent Services Director for the City and investigates complaints to the City. Discusses situations with complainant. Makes on-site investigations and determines necessary action. Refers matters to appropriate city departments and maintains follow-up to ensure corrective action. Alerts Mayor to serious problems and presents recommendations for resolutions. Follows up on all action required for resolution. Acts as Communications Director for the City and coordinates media relations for the Mayor's Office and city departments. Composes and distributes press releases, coordinates all media requests. Fields media calls, maintains social media, manages public affairs and public relations, communications and speechwriting; Serves as Community Relations Director for the City. Acts as liaison to federal and state legislative delegation, neighborhood and city-wide issues and on special projects; Facilitates meetings, events and special events involving Mayor's office. Coordinates participation of Mayor's office in special events with other city departments, city agencies, and outside agencies and organizations". Under compensation the change was "Upon effective date of this agreement: \$1,097.16 per week, effective January 2, 2017: \$1,211.54 per week. On page 5, the sick leave has been changed to read "Upon the Chief of Staff's retirement, death or termination of employment for any reason, the Chief of Staff, or in the case of death, her spouse, designated beneficiary, next of kin or estate-in that order unless the Chief of Staff has determined some other order – shall redeem her unused accumulated sick leave in a lump-sum payment equivalent to 75% of her regular day's pay for each unused day of sick leave up to a maximum of two hundred days". Councilor McCaul stated that this information was given to the Councilors just a little while ago and he would feel more comfortable having the opportunity to review it and make a decision on that next week. There have been a lot of changes on this. He asked the maker of the motion to give the Council enough time to review this and make a decision next week. Councilor Borges stated that she is not going to change her motion; she doesn't feel like there are many changes. She doesn't know who made the changes, but they have all been marked up and are very clear. She doesn't see any reason why we should postpone this contract. She thinks that the Mayor has taken into consideration our constituents and the Councilors concerns. Councilor Carr stated that she agrees with Councilor McCaul, the Council has said on so many occasions that we would not act on anything placed on our desks the

evening of the Council meeting. We have not had time to read this as it was put on the desks at 7:35pm. She stated that she doesn't know how anybody voted in favor of these. She stated that we should have another week to look at them; if the majority wants to vote in favor of them then that is their prerogative. Councilor Quinn stated that ordinarily she would agree with Councilor Carr however, we have had this contract for some time and she thinks that all of the Councilors have gone through it. Obviously, they all have had changes but between the constituents as well as the Council itself she thinks that those changes have been made. There were not a lot of changes that had to be made, the issues were fairly limited and they have all been redlined. She stated that the Mayor did a good job explaining what the differences are. She is in agreement with moving it forward tonight. She stated that although it has ordinarily been our policy, she thinks that the Council has had time to review the whole thing, it is detailed and the changes are minimal. Councilor Cleary stated that it is a negotiation process, there is give and take. He is comfortable voting on the contracts this evening, he has done his homework on this, he has sent information to the Mayor on this, there was an hour and a half meeting this afternoon, and there has been a lot of talking back and forth tonight. He stated that everyone's concern was the 72% raise, they have addressed that and there will be less money over two years. Overall, he believes that it is very easy to absorb the changes and we should be able to go forward with these changes. Councilor Marshall stated that he agrees that the Council has had the contracts for some time and that he can see that the Mayor's Office made several concessions to the original contracts. He stated that the work hours for the Chief of Staff have been raised from 32.5 hours to 40 hours. Her job duties have been increased significantly and the Mayor's Office took a huge concession on the compensation. He is comfortable voting for this contract tonight. He stated that like in all negotiations, we all don't get everything we want out of this. Councilor McCaul stated that he understands what the other Councilors are saying about being comfortable with it. However, there was a one and a half hour meeting this morning at 11am. The changes were put on the Councilor's desks and he knows that some of the Councilors who weren't at that meeting didn't have an opportunity to express their opinions. They listened to what we have done today. He needs time to look at it and be sure that he feels comfortable with this. He thinks that if the Council rushes into this, there might be something that we don't see. He would like to wait, and if it can't, he would have to vote no. Councilor Croteau stated that he had a conversation with someone a few minutes ago which centered around this contract. He said that he has negotiated many contracts. He stated that a significant percentage of that money is as a result of additional hours and additional duties. He would have liked to see it lower but it is significantly lower than what was originally proposed. There has been give and take on both sides. He spoke about how he would like to address some of the other issues that are going on instead of being tied up in all of this. He reluctantly supports the \$57,000 the first year and \$63,000 the second year which is significantly less than what was originally proposed. **Councilor Borges made a motion to move approval. So Voted. Councilor Carr and Councilor McCaul voting in opposition.** A five minute recess was taken at this time. At this time, Councilor Cleary left the meeting. Mayor Hoye wanted to wish Councilor Carr a Happy 60th Birthday tomorrow.

Communications from City Officers:

Com. from the Board of Assessors stating that due to an oversight, a contractual COTMA step increase for six months employment was not paid in the prior FY15 budget.

Assessor Richard Conti was hired December 1, 2014. He was due to his first increase on June 1, 2015. It was just discovered that this oversight was made. She is requesting that the Municipal Council allow them to pay this prior year salaries & wages contractual amount of \$99.22 from their current FY16 Salaries & Wages account. **Motion was made to refer to the Committee on Finance and Salaries. So Voted.**

Com. from the Asst. to Board of Registrar of Voters stating that due to the retirement of Barbara Machnik additional funding will be needed to cover her buy back. Listed is the breakdown of the unused time through February 5, 2016. This is based on her daily rate of \$121.73. The total buyback is \$16,193.59. **Councilor Marshall made a motion to refer to the Committee on Finance and Salaries and the Mayor's Office. So Voted.**

Com. from the City Solicitor requesting the opportunity to meet with the Municipal Council in executive session at the January 26, 2016 meeting. The purpose of the meeting is to discuss strategy with respect to ongoing litigation. It is his opinion that an open meeting on this topic may have a detrimental effect on the litigating position of the Municipal Council. **Councilor Marshall made a motion to go into Executive Session at the end of the meeting. So Voted.**

Com. from the Treasurer/Collector stating that at the Finance Meeting this morning, the Mayor was informed of the new online payment system implemented in the Tax Collector's Office. This system also allows for credit card payments at a flat percentage fee. The transition to the new online system was seamless. This solution has the ability has the ability to support online payments for other departments. Several department heads have approached my office looking to move to electronic payments. After hearing of the change, Mayor Hoyer suggested a presentation to the Committee of the Whole may be of interest to the Council and Taunton residents. Her office reached out to their vendor, City Hall Systems, and they are very interested in doing a presentation. **Councilor Marshall made a motion to refer to the Committee of the Whole to set up an appropriate date with the Council President. So Voted.** Mayor Hoyer stated that it is an excellent program and he met with them the other day at the MMA. They are very enthusiastic about their new contract with the City of Taunton. He thinks that it will assist taxpayers in the City of Taunton. He discussed how the program has the ability to calculate the arrears on a bill so they will be able to be paid online now. He stated that we will be able to extend this to other departments.

Committee Reports:

Motion was made for Committee reports to be read by Title and Approved. So Voted. Recommendations adopted to reflect the votes as recorded in Committee Reports. Councilor Pottier stated that the Committee on Police and License met last Wednesday to interview applicants for the two openings that were authorized for the list that was called. He stated that they ended up interviewing three that the Chief recommended. All three were outstanding candidates and the recommendation of the Chief at that time was to extend offers of employment to all three gentlemen; 1. Matthew Clifford, 2. Ryan Fitzgerald and 3. Corey Gomes. The recommendation came out of the Committee this evening. He wanted to point it out to the Councilors who were not there earlier to know that it was part of the Committee Report. Mayor Hoyer and Councilor Pottier spoke about how they are all excellent candidates. Councilor Pottier stated that the packets that the

Chief provided to the Committee and the Councilors who were part of those interviews were outstanding. It was a seamless effort. He stated that they will be hiring more they will ask the City Clerk to provide another list. He stated that the Committee voted that evening. **Councilor Pottier made a motion to extend offers of employment to those three individuals. So Voted.** Councilor Croteau stated that he is no longer on the Committee on Police and License and he has reviewed the packets thoroughly and did not call Councilor Pottier. He was very impressed with the information including their references. He was very pleased with the caliber of applicant especially considering previous applicants who have come before the Committee. He will be in full support of the motion. He asked how many more Police Officers will be able to be hired this fiscal year. His recollection is that there would be a total of six so there would be funding available for three more. Councilor Pottier stated that it is also his understanding that there may be some retirements which the city would be hiring additional officers for. Councilor Pottier stated that it was discussed that they are also looking at of the total remaining; there may be a lateral or two as well. As it is now, we are top heavy with seniority with people who have additional experience which has the threat of people going out at the same time. If the retirements were batched off with everyone who is younger, we will have a gap between the older and the younger members. Therefore, the Chief thought that it would be wise to have a couple laterals put in to mitigate the future concern of mass retirement at once. He stated that there will be four or five with a couple of laterals sprinkled in if they fit the criteria. Councilor McCaul asked Councilor Pottier to mention that, a Spanish Police Officer was talked about at that time. Recommendations adopted to reflect the votes as recorded in the rest of the Committee Reports. **So Voted.** Mayor Hoyer stated that one of the criticisms that have been heard in the past couple of years is that more Police Officers need to be hired. He stated that it is a step in the right direction and we will continue to take steps to make our City safer.

Unfinished Business:

Councilor Borges stated that she had previously made a motion to refer to the HR Director to look at and review the Social Media Policy for employees, both official and personal and she is not sure where it is at now. She stated that anyone who has any connection to the City of Taunton should conduct themselves in a professional manner both officially and personally. She stated that it should be looked into sooner rather than later. She would like to look into creating a policy for the City of Taunton so that we have guidelines that apply to both official and personal. She stated that she is not talking about freedom of speech; she is talking about a general Social Media Policy for employees. She stated that she personally has one with her employer and other cities and towns also have them. **Motion was made to refer to the Mayor's Office, City Solicitor's Office and the HR Director. So Voted.**

Councilor Croteau discussed the vacancies in the Fire Department. He stated that it is his understanding that there is one retirement and we will have another very shortly. Motion was made to receive a status report on where we are at relative to interviewing and filling those positions as the money is obviously in the budget to fill those two positions. The City Clerk stated that a list was called for last week.

Councilor Carr stated that last week she asked that the Fire Chief provide information this week on the amount of overtime spent to keep the spot for the gentleman who is at the State Police Academy out of the Fire Department. She stated that she will wait one more week and if she does not receive it, she will make another motion.

Councilor Borges stated that she made a motion two weeks ago that the Council holds the appointment of City Planner, Kevin Scanlon so she would have a chance to meet with him to discuss some things. **Motion was made to send a letter to the ADA Commission asking that all of their minutes from their meetings be sent to our City Planner once they are approved. So Voted.**

Councilor Borges made a motion for the City Planner to send a communication to the ADA Commission prior to every single meeting with anything that is going on regarding any ADA issues or anything that he wants to bring up so that there is communication between the City Planner and the ADA Commission. So Voted.

Councilor Borges made a motion for the appointment of the City Planner to be placed on next week's agenda. So Voted.

Orders, Ordinances, and Resolutions

City of Taunton FY2016 Supplemental Budget to be ordained on a roll call vote

A RESOLUTION OF APPROPRIATION FOR FISCAL YEAR 2016 SUPPLEMENTAL BUDGET

BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF TAUNTON: THAT THE FOLLOWING SUMS BE AND HEREBY ARE GRANTED AND VOTED FOR THE PURPOSE AND OBJECTS HEREINAFTER STATED; AND BE IT FURTHER RESOLVED THAT NO PORTION OF ANY AMOUNT HEREINAFTER SHALL BE DEVOTED TO ANY OTHER PURPOSE THAN THAT DESIGNATED IN THIS RESOLUTION EXCEPT BY VOTE OF THE MUNICIPAL COUNCIL.

TOTAL NEW EXPENDITURES.....\$211,503,206.36

Motion was made to move approval. On a roll call vote, eight (8) Councilors present, eight (8) Councilors voting in favor. Councilor Cleary was absent.

New Business:

Councilor Pottier spoke about last Friday's MMA Conference and stated that the recommendation was made through one of the insurance sub-committees to get a listing of our fleet. He asked that the Risk Officer pull a listing together of all of the vehicles insured by the City. Mayor Hoye stated that he thinks that she had done that a couple of years ago so she should be able to get that to him tomorrow.

Councilor Pottier stated that during snowstorms we do a particularly good job around our schools and our downtown area. He stated that anything that can be done on the sidewalks outside of the schools where the kids have to walk on, such as on Williams Street would certainly be appreciated. Councilor McCaul stated that he received a few phone calls from people who are concerned about their children going to school. He

stated that Boston gives their businesses three hours to clear their sidewalks and residences six hours. Mayor Hoyer stated that about six years ago, when he and the City Solicitor were Councilors on the Committee on Police and License, they came up with an Ordinance and a strategy that would require all homeowners to shovel their sidewalks in a timely fashion, they even gave them up to 24 hours. Unfortunately, the full Council did not support that at the time. He stated that they could probably dig that up again. He thinks that we need to do more. He stated that last year was a historic winter and there was a story in the paper that we were ranked 15 in the nation in snow removal readiness. He stated that there is no scientific data to support it and he does not know where it came from. We do a pretty good job considering that we have the most roads in the Commonwealth. We did a fantastic job following the last storm. With over 300 miles of road, it is virtually impossible for the City to ever undertake clearing all of the sidewalks. He stated that it has been assigned to the Park & Rec Department to do around the schools. He stated that the DPW Commissioner has been looking at another Brine Machine to be used on the sidewalks which would be great around the schools. As budgets improve, he would like to look at more removal equipment specifically for sidewalks. Even if two or three pieces were added, we would never get to all of the sidewalks. He thinks that we have to ask homeowners to become more responsible and spoke about how he knows that the snow on the sidewalks can be extremely heavy. Councilor McCaul stated that it is good to hear that they had something implemented a few years ago. Mayor Hoyer stated that it wasn't implemented, it was written with the intention of implementing it but people spoke out against it. Some homeowners were totally opposed to it. He stated that for the safety of the kids, a lot has been done on Monroe Street and they were back out near Galligan today. There are a lot more kids bussed than ever before. We do not have nearly the walking population that we had twenty years ago. Mayor Hoyer stated that it is difficult to enforce, there are options that can be looked at. Councilor McCaul stated that hydrants need to be looked at, maybe an "Adopt a Fire Hydrant" program within this City. If a fire happens, the Fire Department needs to find the hydrant. Mayor Hoyer stated that we ask homeowners to do the fire hydrants as well. If there is a hydrant where an elderly person may not be able to do it, if they call the Fire Department or the Water Department they will go assist them. Mayor Hoyer stated that the Fire Department did an exceptional amount of them last year. **Councilor Pottier motioned for a discussion to be held on how to keep the sidewalks cleared for the kids. Councilor McCaul made a motion to refer to the Committee on Ordinances and Enrolled Bills to review the Ordinance that we have, see what the laws are, how it can be improved upon and how to implement fines. Councilor Pottier made a motion to refer to the Committee on Fires and Wires to find some information on the Adopt a Fire Hydrant program. So Voted.**

Councilor Pottier stated that he received a call from a resident of Thrasher Street. When the Raynham Transfer Station came many years ago there was some agreement that if trucks would be coming through Taunton they would use East Britannia Street and not Thrasher Street. He stated that perhaps it should be looked up to see if there was an agreement and if there isn't, maybe Raynham could be contacted to ask them if they can ask their truck drivers not to go down Thrasher Street. **Motion was made to refer to the City Solicitors Office to see if there is any information regarding when that came online and to the DPW. So Voted.**

Councilor Borges motioned to refer to the Safety Officer to consider extending the No Parking sign between 35-39 Hodges Avenue before the John Shea Apartments. So Voted. She discussed how vehicles are having difficulty getting through as people are parking on both sides of the street.

Councilor Borges made a motion for the Safety Officer to look into placing a No Parking sign on the right hand side of Dana Street just before the right hand turn onto Granite Street. So Voted. She stated that trucks are having a difficult time making that turn because cars are parked right up to that area.

Councilor Borges discussed how the City Clerk should send the Councilors via e-mail notice of any public meeting scheduled outside of the regular scheduled meeting time and place that on the City's website if that board or committee doesn't already do so. She stated that she will bring this up at next week's meeting after she gets more information about the process.

Councilor Borges made a motion that the Airport Commission be asked to send a letter to the Council or to the Chair of the Needs of the Airport letting them know where they stand as far as the RFP for the Airport Managers position by Monday, February 1, 2016. So Voted. She stated that the appointment is up in April. She stated that the Needs of the Airport Committee are meeting on Monday and she would like to have it before then. She wants to know where that position stands and if they have done anything to recruit or keep the Airport Manager. Councilor Quinn asked when the meetings will be held. Councilor Borges stated that her meeting will be held on February 1, 2016 at 6pm and the regular Airport Commission meeting will be held at City Hall tomorrow at 7pm.

Councilor McCaul motioned to have a date certain of February 16, 2016 to have the ADA Committee meet to discuss any updates on the transition report that they have received from the City Planner. So Voted. Councilor Croteau stated that there is an ADA meeting at 5:30pm tomorrow. He urges anyone who can make it to attend.

Motion was made to go into Executive Session to meet with the City Solicitor regarding his letter about potential litigation on the cell tower. On a roll call vote, eight (8) Councilors present, eight (8) Councilors voting in favor. Councilor Cleary is absent. Mayor Hoyer stated that there will be no votes taken and if they are they will be reported at the time those minutes are released. There will be no further action in the full Council tonight.

Meeting adjourned at 8:30 P.M.

A true copy:

Attest:


City Clerk

RMB/SJS

CITY OF TAUNTON
MUNICIPAL COUNCIL
JANUARY 26, 2016

THE COMMITTEE ON FINANCE & SALARIES

PRESENT WERE: COUNCILOR GERALD CROTEAU, CHAIRMAN AND COUNCILORS CARR AND CLEARY. ALSO PRESENT WAS MAYOR THOMAS HOYE, CITY SOLICITOR JASON BUFFINGTON AND COUNCILORS BORGES AND MCCAUL.

MEETING CALLED TO ORDER AT 11:06 A.M.

1. MEET WITH THE MAYOR TO DISCUSS EMPLOYMENT CONTRACTS

The Chairman asked the Mayor to continue his presentation regarding the 5 contracts and then he would open it up to questions.

Councilor Cleary suggested going through each contract and have the Committee bring their concerns forward.

The Mayor said he is here to listen, that there were some concerns noted regarding bereavement leave, the sick buyback and the Chief of Staff salary. After he hears what the Committee has to say, he will come up with a new document.

Councilor Cleary noted that on the contract the Committee received for the Secretary to the Mayor, it seems that 95% of it is basically what most employees in the City of Taunton have. You do recognize the fact that she is increasing her hours to 40 per week and the Mayor gave everybody else 10% or a credit towards their raise and on top of that gave her 5%. He has no real issues with the contract other than that regarding personal days, the idea of being able to accumulate 10 personal days is a lot of days. He also noted that as other days were added to the contracts, such as bereavement days there was less of a need for personal days. He would like to have personal days reduced from 5 to 4 so that the employee can accumulate only 8 days. He has no other issues with the contract.

Councilor Carr said that her first question is that all of the contracts have something called professional incentive, and asked that the Mayor explain what this is. To her it sounds like they are getting an incentive, like a clothing incentive, or something like that to provide a professional appearance or something to that effect. She asked for an explanation of what a professional incentive is supposed to be.

The Mayor said that the incentive is given to keep up professional appearance and licensure and any kind of professional training that they need to do. This is something that has been in the contract way before he got here so he cannot speak to exactly where it came from but it is something that has been in these contracts.

The Mayor continued and suggested something that could help everyone moving forward, that would not only give him some guidance but also other administrations, to discuss creating an ordinance that would contain certain minimums and maximum standards for contracts for non-union employees. He thinks this should be done in the upcoming months so that way it will guide them when the new employees are hired.

Councilor Carr said she does not think this is a bad idea. These particular employees are the Mayor's employees, they come in under him and he can negotiate any kind of a contract he wishes, he does not have to look to the other employees of the City, he can give them whatever he wants as long as he can get it past the Council. She also stated that part of her issue with this is that things that are in other contracts are no longer applicable, but since they are in there it is

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THE COMMITTEE ON FINANCE AND SALARIES - CONTINUED

nearly impossible to get them out. We have to start somewhere where they can get these things out and go one, and where the Mayor negotiates with all of the other unions she thinks that the Mayor's office has to be the example and has to take the lead.

Councilor Carr noted that regarding the contract, when you allow employees to carry forward personal time and vacation time it creates an unfunded liability. When it is carried forward, the majority of the people do not end up using it so when they leave they have 50 days or 100 days that they did not use and are cashing in for money that was not budgeted. It is an unfunded liability and she thinks at some point the City has to stop creating unfunded liabilities and we have to start paying as we go. Her personal choice would be to if someone is not able to use vacation time then you pay them at the end of the year, you pay them what their vacation time is worth because if you hold it for 5, 10, 15 years down the road and cash out the City is paying them a greatly inflated number for what that original time was worth. She thinks that vacation time and personal time should not be something carried forward, it should be used or you pay it.

Her other issue with the Secretary to the Mayor's contract, and this is not with only hers, but with all of the contracts, was being able to take 2 sick days and converting them to personal days. This just gives them 2 more paid days that they would not necessarily get if they left them as sick days. She also said that the Professional Incentive went from \$1,300.00 to \$1,650.00 in that contract. The Mayor said this was in line with other contracts.

The other issue that Councilor Carr had was Christmas Eve and New Year's Eve, those are half days in other contracts, but this did not say ½ day in the contracts provided by the Mayor, it just says Christmas Eve and New Year's Eve, it did not say half day. She asked if this was an oversight or did the Mayor intend it to be that way.

Councilor Carr also said that she wanted an explanation on the conflict provision at the end that says *to the fullest extent provided by law, should there exist, now or in the future, any conflict between the terms of this agreement and any local personnel by-law, ordinance, rule or regulation, the terms of this agreement shall prevail*. She said she is concerned about this and asked if this means if we have a City Ordinance and something is written into this contract, we agree to it, that the contract overrides ordinance? Because ordinance is our laws and she does not see how this can happen. We would have to compare the contract language with all of our ordinances to make sure there was no conflict in ordinance.

The City Solicitor stated that this is not a new provision. It is intended to say that there will be a contract between the City of Taunton and a particular employee and it is intended to say that what is in this piece of paper is the deal, there is not going to be an attempt, for example once the contract is passed, it is ratified, and is in place, that somebody is going to pass an ordinance for example to try to undo something that has been already in a contract that has been publicly vetted like these are and passed. There are some provisions of the ordinances that talk about exempt staff compensation and they specifically talk about some provisions apply if there is an individual employment contract and some don't. It is intended to say yes, this is one of the contracts that the ordinance we already have on the books is talking about. So it is in the contract, that is what the deal is, so everybody knows this is the deal.

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THE COMMITTEE ON FINANCE AND SALARIES - CONTINUED

Councilor Carr said she understands that it will protect an employee from the council next week creating an ordinance that says we cannot pay the City Solicitor more than \$50,000.00. Then obviously there would be an issue with his contract. She asked what about ordinances that already exist prior to this contract. She asked what would trump what, does the ordinance trump the just clause issue in the contract or does the contract trump the ordinance.

The City Solicitor said he is assuming that Councilor Carr is not suggesting that we get rid of the just clause standard for disciplining employees.

Councilor Carr said no. She is saying that there has been that issue of an ordinance giving the council the right and responsibility to approve an appointment, and if the council chooses not to for whatever reason, and whether it meets the standard of just cause or not she is not sure.

This is just one issue she is thinking of, but if there was an ordinance in place, and a contract was written and something was put in that contract that was contrary to the ordinance, by having that clause in there does it then say that the contract trumps the ordinance.

Councilor Croteau said that language has been in the contracts for a number of years. That language that is in there refers to ordinances being changed after the fact. The ordinance is there to protect the employees. There is a state statute requiring collective bargaining. It was passed in 1965 in Massachusetts that is why that language is in there. As far as the just cause language, it is in there to protect the employee during the running time of the contract. Once you sign a contract with an employee, if it is a 3 year contract, you cannot dismiss the employee during the terms and conditions of that contract without just cause. He is sure that Councilor Carr is not suggesting to eliminate Just Cause nor is he during the running time of the contract. However he has questioned the Just Cause language being required when the contract is up. He also said that his understating of the City Ordinance is that the Council is not required to have Just Cause when it comes to renewing a contract. He has had this discussion with this City Solicitor and other City Solicitors a number of times and thinks the language is illegal. If the State Legislature and the Governor were to put language in a law that is contrary to Federal law, you can enact State language that is more than Federal but you cannot enact language that is less. What requires research is that there could be situations between city ordinances and state contracts where the city ordinance does not prevail. The question is whether or not it prevails in this case. Very simply put, the ordinance gives appointment and renewal of contracts to the City Council. No one can negotiate that right away in collective bargaining. This community actually negotiated away 35 years ago the tenure language, the tenure law for school teachers. They took away that authority to the School Committee and Superintendent of Schools. You cannot do that. What he is saying is that you cannot do that here either. That needs to be looked into.

Councilor Cleary noted that they have not had a raise in 2 years.

Councilor Carr said, as a point of information, when they gave the raises in 2014 it was agreed that it would cover the full 2 years of the contract.

Councilor Cleary said he has no other issues with the contract. There were also no issues with the salary considering the additional time to be worked.

The next contract was the Confidential Legal Assistant.

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THE COMMITTEE ON FINANCE AND SALARIES - CONTINUED

Councilor Cleary said again he would like to see personal days go to 4 and accumulate to 8, and that everything else in the contract seems to be fair. He has no issue with the salary as \$3,000 of the raise is for work she will be doing for the Historic District Commission which she will be doing after hours. She earns that stipend by going to other meetings, by taking notes and posting and responding to calls, etc.

Councilor Carr said that she has the same issue with vacation and personal time. Her compensation, Councilor Carr had an issue with the wording because it says that she is subject to annual performance evaluations and eligible for annual salary adjustments as determined by the City Solicitor and the Mayor. She would like to see added "and approved by the City Council". As she would be getting additional payment, compensation, money, the Council is required to approve additional moneys. She also questioned the last sentence under longevity where it says that longevity would be based upon her total length of continuous cumulative service with the City of Taunton and verified full time municipal, county, state, or federal experience. She would like this removed. She does not have a problem paying anyone longevity for the time they worked for the City, but she does not want to pay longevity for time they worked in other cities, counties or states.

Councilor Carr said that she is a little conflicted about the Historic District Commission money being included in the salary. When you include it in the salary, it is included in raise percentages, retirement, sick buyback, etc. She has no issue paying this as a stipend but it should be a stipend not part of her salary. It should be kept separate from her salary.

Councilor Croteau also said that he would agree to putting in the language subject to the approval of the City Council, the appropriation has to be approved by the Council.

Councilor Carr also noted that this contract says she is to work ½ day Christmas Eve and ½ a day New Year's Eve. Some of them say a half day, and some say the whole day is taken off.

The Mayor said some of this was existing in the contracts already.

Councilor Carr said this should be something that is across the City, if everyone works a half day then the Mayor's staff should work a half day.

The next contracts discussed were the City Solicitor and the Assistant City Solicitor. Councilor Cleary said he again would like the personal days reduced to 4 from 5. He said sick leave is standard, but he would like to see, again we go back to that notion of unfunded liabilities, so he would like to see a 200 day limit, now it says unlimited accumulated. He thinks some of the unions agreed to 200 recently and he feels that they should fall in line with that. He also said that right now it is 75% buyback for accumulated sick leave, he would at least like to send a message that we are starting to reduce that 75% and reduce it to 73% it would make it easier when negotiating other contracts.

Mr. Cleary said that regarding bereavement leave, this contract says 10 days; all the other contracts say 5. He would like this to be standardized at 5 days.

Councilor Carr said that in the first section of the contract it says "*by its exclusive bargaining agent Mayor Thomas C. Hoye, Jr.*", this is not in any of the other contracts, just in the City Solicitor and Assistant City Solicitor's contracts.

The City Solicitor will insert this in all contracts It is really just a statement of existing fact, that the Mayor is the exclusive bargaining agent for the City when it comes to employment matters

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THE COMMITTEE ON FINANCE AND SALARIES - CONTINUED

and it is a fact that the Council's role is to approve or not approve the appropriation for the contract that has been bargained.

Councilor Carr noted that the City Solicitor's contract gives him the right to continue his private practice and she asked how you run a private practice when you are obligated to be at City Hall 5 days a week from 8-4:30.

The City Solicitor said the fact of the matter is that he does not. Prior to being appointed to this position he ran and operated a law firm here in Taunton. He left that position and basically closed down the firm in order to take this position on an every 2 year basis with no guarantee of being here more than 2 years at a time. This is intended to say that he and Attorney De Abreu are obligated to work no less than 40 hours a week for the City of Taunton, and in fact, he would surmise that anybody who has been around knows it is a lot more than that and they are happy to do it. This is intended to say that nothing about this contract could be deemed to prohibit them from taking a case here or there outside their obligation to the City so long as it does not conflict with their duties as attorneys for the City. This language has been in there since the beginning of their employment, it is nothing new, and has been approved by the Council before. Councilor Carr said she wondered how this would work. If the attorney had to go to Court during the week for someone, then would he come in on a Saturday to make up the hours, also, if it is not possible to do it, why is the language in the Contract.

Attorney Buffington said he is not going to talk about private work that he may or may not do. Councilor Carr said she is not asking about his private work, but asking about how he would balance both and if he can't then perhaps that language should not be there.

Attorney Buffington said he rarely does outside work, but with all due respect, what he does when he is not on the city's clock is up to him.

Councilor Carr said she agrees.

Councilor Carr then asked when his staff is out, how is it reported.

The Mayor said every department puts in a payroll sheet and it is reflected on that. It is done at the end of the week on a payroll sheet.

The Mayor said that he would also like to bring everybody in the City up to working 40 hours.

Councilor Carr said she agrees that everyone should work 40 hours, and questioned what the hours would be for the people currently going to 40 hours.

The Mayor said it varies because they make sure there is coverage at the front desk, so they make sure it is always covered so the hours vary.

Councilor Carr noted that in the Mayor's vision it would be 8-4:30 with a half hour lunch.

The Mayor said that you have to fairly compensate people in order to do this and he has done comparable wage studies with other communities and they try to be fair with everyone.

Councilor Carr said that on all of them she questions the Professional Incentive clause.

Regarding Professional Development she does not have an issue with the clause because obviously they need to attend classes and do things to keep their law licenses, but it gives them free reign to choose whenever and wherever they go and those types of things, so she would like *"with the approval of the Mayor"* in that clause.

Councilor Carr said that the contract states that the City Solicitor has 18 years of service which she does not agree with, and again there should be no carry over of days, they should get paid

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THE COMMITTEE ON FINANCE AND SALARIES - CONTINUED

for them at the end of the year. Also Christmas Eve and New Year's Eve should be a half day. Also 75% of unlimited sick days is also an issue with her, bereavement leave of 10 days is excessive. Another issue she has with all of the contracts is the travel allowance, as she feels that they should fill out a form and be paid the \$.55 a mile. Just handing somebody checks every month for travel and not knowing whether they went anywhere does not feel right to her. They should have to fill out a form, put down where they went, the reason they went and the City pay them their mileage.

Regarding the Chief of Staff contract Councilor Cleary said that it is noteworthy that the Mayor is increasing her hours to 40 hours and in effect she works much more than 40 hours many times. He has seen her at events, organizing events, attending events and she makes a good impression for the City. He does have a concern with the personal days and would like them reduced to 4 and carryover of 8. The other concern he has with the contract is the actual raise is approximately 72%. Again, he knows that she has developed this position from an Assistant to the Mayor to the Chief of Staff type of position and has done very significant differences in the effectiveness of the Mayor and his staff and feels that is very good. His recommendation is that if we are going to do this, he would like to see some sort of a 2 year spread. This is a 2 year contract and he does not want to award 72% the first year, perhaps 25% the first year and maybe 10% for the additional hours and something similar for the second year. Spreading this over 2 years will get her to the survey that they did of other communities and the Chiefs of Staff and the kinds of responsibilities she has, and he thinks that would be helpful.

Councilor Cleary said on sick leave he would like to see a 200 day cap not unlimited, and on the buyback he would like to see 73% as he mentioned earlier. He would also like to see down the road when the City does the Educational Incentives and stuff and we do longevity he would like to see us get away from percentages and into stipends. He wants to move to stipends and not percentages. With percentages this is the gift that never stops giving because once you get the raise, every time you salary goes up the stipend goes up. He would like to move in that direction with other contracts.

Councilor Croteau said he took the current salary and broke it down. If you take the current salary and divide that by 32.5 hours a week the hourly rate is about \$25.00. You then take the 7.5 hours and multiply that by \$25.00 current hourly rate it is \$9,991.00 so approximately \$10,000 of the total increase is pay adjustment. If you look at the other 4 contracts, not the City Solicitor and the Assistant City Solicitor, because those were adjusted 2 years ago. But if you take a look at some other contracts, when he takes a look at the current actual salary and the proposed actual salary, he breaks it down into 2 sums of money. One is called a pay adjustment and the other is the pay raise. The pay adjustment in this case is approximately \$10,000.

Councilor Carr said that she agrees with what Councilor Croteau just said and \$10,000.00 of her current salary is between 20 and 25%. The professional incentive, she has the same issue with all of them. Personal Days, she has the same issue with all of them, use them or pay them at the end of the year. On her vacation time schedule there is a misprint, it says 6 months to 3 years, instead of 6 - 4 years, there is no 4 years in there. Vacation time she has the same issue, either use it or pay them what is left at the end of the year, she does not want to see it carried over.

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THE COMMITTEE ON FINANCE AND SALARIES - CONTINUED

Holidays, should be ½ day Christmas Eve and ½ day New Year's Eve. Regarding the Educational Incentive, she does not know if this is in everybody's contract where we pay for classes and books and everything else and after that we also pay an incentive once they get their degree, but she thinks it needs to be one or the other. She does not think the City should pay for them to get their degree and then pay for the degree on top of it. One or the other.

Also, the sick leave buyback, she thinks there should be a ceiling on this like COTMA. COTMA has a \$13,000 ceiling, so whether or not it is that same ceiling, as this is pretty much a COTMA contract, so she feels it should be the same as COTMA. Also regarding travel, again a form should be filled out and they should get paid for travel. The longevity issue is the same she has had with the other contracts; it should be for time just worked at the City. Regarding salary she has no issue with the \$25.00 per hour for the additional 7.5 hours, which would bring her up to \$52,018.00. and Councilor Carr feels that she should get the same raise and no more than the Law Office got which was 4.4% for the 2 years. Then with the additional things they get in the contract, if they stay the same, which is \$1650.00 for the professional incentive, \$3,700.00 for the educational incentive, \$3,300.00 for the mileage, so if you add all that up it is another \$8,600.00 which would bring her to over \$60,000.00. In her estimation that is a good salary for that position.

Councilor Carr noted that we have Department Heads that have worked for the City for 25 to 30 years who only make \$10-15,000 more than that after 30 years of working for the city, and have a lot of responsibility in their Department. She thinks that \$60,000 for a position that has been here for 4 years is pretty good.

Councilor Carr also said that she knows the Mayor said he did a comparison, but you can do a comparison about a lot of things, she brought up City Councilors and they can range from half of what this Council makes - \$3,000.00 or \$4,000.00 a year to \$112,000.00 which is what Boston makes. We are Taunton and this is what we make. We accept positions for the money that was offered, then after the fact say well this place makes 5 times more than that so that is what we should make, Councilor Carr does not buy that.

The Mayor said that he knew that there would be questions on the salary. He said he knew that we needed to increase the salary for this position. It has evolved tremendously, the responsibilities are more than they were 6, 7, 8, 9 years ago. She has done a phenomenal job. When they looked to see what the position paid, he did not realize that the position elsewhere paid as much as it did. He knows that we cannot always compare ourselves to other cities but the only way to get accurate data to see what a position like this pays is to look at other cities. We did the same thing when they did the 1144 contract a few years ago, they looked at a lot of other cities, and they have done that. Some positions they are looking at right now are in Water, and the technology position, and they have talked about this many times. There is no other place to get this data. He continued saying that it was talked about phasing the salary in and he is fine with that. He thinks this is the fair way to go. He just, whether it is this position or any others, he just wants to see people paid or compensated fairly. The Mayor further said that she is well known State wide. As far as the programs we are working on in Taunton, she is often called for advice from other communities. She has really accepted the challenges that not only he has given her but that the City has presented. Who knew when he took office 4 years ago

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THE COMMITTEE ON FINANCE AND SALARIES - CONTINUED

that we were going to have an Opiate Task Force and some of the other things that we have had to deal with over the past 4 years. Yes it is part of the job but he thinks we have met these challenges head on and a lot of it has been facilitated by his Chief of Staff. He is willing to listen to everybody's suggestions. He thinks he has heard a lot of good ones today. He thinks there are a lot of things they could do going forward to make this an easier process.

Councilor Borges said that she has a few things to talk about and wants to make a few comments regarding some of the things that she heard today regarding these contracts. The first one is that she does agree that the stipend should be separate from the salary for any employees that are working on any Board. She does respectfully disagree with the vacation being carried over. She knows that as someone who works in the private sector at the end of the year she can only carry over 40 hours, and she finds that very difficult. If you are going to take an early vacation and you can't carry over your vacation time, she does not like it so she would not like to see that changed in any of those contracts. Regarding bereavement days reducing it to 5 instead of 10, she thinks that a lot of people have family members that live out of state, so that was probably the purpose of that long bereavement time, to accommodate and help people that have family members that have passed and are out of state. The comments regarding what people or employees do outside of the time for what they are doing for the City, frankly, she personally feels as someone that works 40 hours a week for a company and does other work that is frankly nobody's business and it should not be on the table. As far as the wage, and she looks at this for all the contracts, not just the Chief of Staff or anyone else, she did her own comparable wage study this weekend. She sat at an MMA conference where she attended a meeting with probably 351 communities with Mayors, Chiefs of Staff and everyone else from many communities, this is a hot topic in the state of Massachusetts. Everybody knows what is happening in Taunton right now with these salaries. She further said that she is very passionate about this. When she had this discussion with other Mayors, Chiefs of Staff and everyone else, it is true, this position is under compensated for what these people are actually doing. She continued stating that she does not look at this as a 73% increase, she looks at this as someone who has been under paid. She has not been compensated for what she deserves. She has personally had the opportunity to work with all of these people on many different things in the community and she knows how hard they work and how everyone works. She thinks Dr. Croteau brought up a couple of weeks ago that we re-look at the salaries and compensation for C.N.A.'s, so she thinks it is being looked at across the board so that people are fairly compensated. She also said the way Dr. Croteau is looking at this as a pay adjustment is a fair way to do this. As far as the comment about what other cities and towns do, she looks at other cities and towns every single day for what they are doing, whether it be reduction meters, sewer rates, whatever, she relies on other cities and towns for everything that they do. So she does not think, like she said there are a lot of things in here that she would like to see changes on, but those are the main things from the comments that she has heard that she wanted to comment on.

Councilor McCaul said that he agrees that the stipend for the Historic District Commission should be separated from the salary. Second, he wants to point out and he knows that we are talking about the Administrative Assistant to a Chief of Staff; this is where it is at. You have an

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THE COMMITTEE ON FINANCE AND SALARIES - CONTINUED

Administrative Assistant that left that position to be a Chief of Staff. He understands that the Mayor looked around to other communities that had a Chief of Staff and how much they paid their Chief of Staff. The community is only hearing 72%, 73%. Yes, it is a big hit in the beginning to have something like that to get into that position, but we are looking at a Chief of Staff here, we are not looking at an Administrative Assistant, that is the key he is trying to bring to the table - that you have an Administrative Assistant that did all her secretarial duties, but now the Chief of Staff is what we are talking about, the director of community relations, the director of constituent services, the director of other programs that the Mayor needs help with, putting together flow charts, putting together projects for the Mayor, to be his assistant to help him as the Chief of Staff to get things going. The pay raise in his eyes, and he knows that the community and people are on fixed incomes, he really feels and he understands where they are coming from because 73% is a lot. When you have our unions, such as Police and Fire getting 3%, other departments getting 2%, and even for himself, he did not get a pay raise on his job. But that is not what we are looking at, we are looking at trying to bring to the table the right level for a Chief of Staff. So if we are looking at that direction, we should really look at the fact that we should have a step as we go, bring it up to \$10,000 more, next year re-evaluate it again, but not at once a big hit and bring it right to 72%. He thinks that it should be phased yearly so we can get to the level where a Chief of Staff needs to be paid. Let's bring it step by step every year. We also need to look at the budget to determine if the City can afford these increases. The bottom line is that this should not be a personality issue, he really thinks that the person who is the Administrative Assistant that wants to take the role as the Chief of Staff, has done a fabulous job, is a hard worker, he does not want to take that away from her because he knows that she works hard. What he is looking at is the cost of that 72%, he cannot swallow 72% but he can look at increasing it yearly to get to that level of the Chief of Staff.

Councilor Cleary said the Committee has shared their concerns and it is now incumbent on the Mayor to meet with the individuals and go over what was discussed, then, to come back with revised contracts. It is up to the Mayor to speak to the individuals and come back to the Council.

Councilor Carr said that she thinks Councilor Cleary has put it well. Her only comments would be that some of the comments from other Councilors she certainly takes offense to including the comment asking the City Solicitor how a lawyer does outside work when they have full time jobs. She was just asking the question. She was certainly not saying that she has any right to know what he does outside of his 40 hours here. She does not want to know what he does outside of his 40 hours here; she was just asking how you did an outside law practice because she could not see how that could happen. If that is the case it should not be in the contract. If it is in the contract for a reason, because maybe in the past other people did it, she does not know, but she was curious how that happens. She takes offense to that.

Councilor Carr further stated that she sees all the different viewpoints, and she understands this person works for the Mayor and is separate from the rest of the City, but the rest of the City, it effects their morale when they get a 2% raise year after year after year, and this has been going on for as long as she has been here, which is 9 years, and it has always been 2%, 2%, 0% or 2%, 2%, 1%, nobody gets these huge raises at once. All of our Department Heads work hard.

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THE COMMITTEE ON FINANCE AND SALARIES - CONTINUED

She does agree that Mrs. Haggerty works hard, she works long hours some days, but so do other Department Heads and they get their 2%. Nobody works harder than the Law Department and they are getting 4.4%. She further stated that she has to take into effect what the rest of the City employees get paid and if we did a wage evaluation of what other City Clerk's get, City Auditor's get, we may find out that they are underpaid by \$20,000 or \$30,000. Are we going to give everybody a \$20,000 or \$30,000 raise, she would like to but the City cannot afford to do this. She is looking at this on the basis of being fair to everybody, not picking out one person and saying you do a great job let's give you \$30,000 more and with other people say you do a great job too but we are only giving you 2%. She is just trying to be fair.

Councilor Borges said she wanted to clarify that other employees get paid for the extra amount of time that they actually put in so she thinks they are comparing apples to oranges. When somebody works beyond their time they get compensated with overtime.

Councilor Borges also said that she just wants to make it clear that she looks at every employee that works for the City of Taunton, but she looks at them all differently in the sense that if you are out there plowing snow and we have a bad winter and you are getting compensated the overtime, you are getting compensated for it.

Councilor Croteau said that is why he broke down the salary, pay adjustment and pay raise. He further said a number of pay adjustments have been made, maybe not as significant as this one.

Councilor Cleary said his concern is, and he does not want people to think he is nitpicking by going from 5 to 4 personal days, but the fact is that when you give, and all these are very good financial packages, he has always believed that when you are negotiating contracts when you give something, you should get something back, some improvement somewhere. Just not give and move on. That is what he is trying to say with the changes he is recommending.

Councilor Croteau asked the Mayor if he had a time frame for when he would like to bring this before the Council.

The Mayor said as soon as possible. If we can get it done tonight, we will do it tonight, but if not we will do it next week. He further said there has been a lot of negative attention and dispersions have been cast, but he cannot help that. This was meant to be a one-time adjustment. He understands the concerns of the Council.

Councilor Carr made the following motion:

MOTION: THAT HER LIST OF WRITTEN CONCERNS AND COUNCILOR CLEARY'S CONCERNS AS STATED IN THE MEETING BE MADE PART OF THE RECORD. SO VOTED.

Councilor Croteau said he has negotiated a lot of contracts. He has never subscribed to the thought and semantics, sometimes it is difficult to understand what people are saying. He did have occasion to speak with School Committees on any number of times when he has to get something back. He is not looking to get a fringe benefit back from the employees that have been given to them unless it adversely effects the operation. That is the only time. He thinks there is a concern about the unfunded liability. There is no question about it. The unfunded liability is a problem and it needs to be addressed. Bereavement and personal time needs to be looked at. However, he said that taking away fringe benefits destroys morale. He is not looking to get anything back from the employees except a fair days work for a fair days pay.

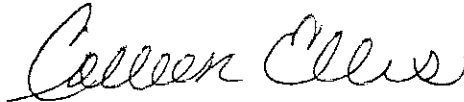
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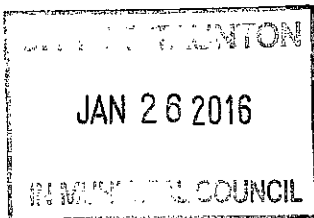
THE COMMITTEE ON FINANCE AND SALARIES - CONTINUED

MEETING AJOURNED AT 12:36 P.M.

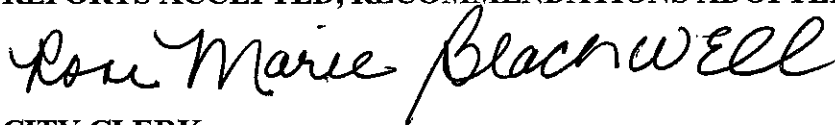
RESPECTFULLY SUBMITTED,,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
JANUARY 26, 2016

THE COMMITTEE ON FINANCE AND SALARIES

PRESENT WERE: COUNCILOR GERALD CROTEAU, CHAIRMAN AND COUNCILORS CARR AND
CLEARY

MEETING CALLED TO ORDER AT 5:50 P.M.

1. **MEET TO REVIEW THE WEEKLY VOUCHERS & PAYROLLS FOR CITY DEPARTMENTS**
MOTION: MOVE APPROVAL OF THE PAYROLL WARRANT IN THE AMOUNT OF
\$2,994,443.15 AND THE VOUCHER WARRANT IN THE AMOUNT OF
2,303,528.29. SO VOTED.

2. **MEET TO REVIEW MATTERS IN FILE**

The Chairman stated that this Committee had a meeting this morning and he would simply mention that the matter has been continued in the hands of the Mayor. He is meeting with the individuals whose contracts are up for renewal and the Committee is awaiting his response. Since he did not feel it was appropriate for the Mayor to give a date certain, they are waiting for the Mayor's time certain. If there are other people here who were not at the meeting this morning who wish to make input on the discussion relative to the contracts it can be done now or it can be opened up for discussion during the meeting of the full Council.

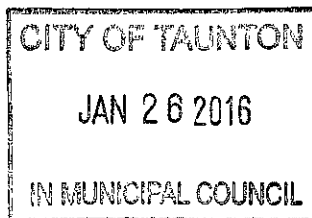
There was no further input.

Councilor Carr asked Mr. Enos, Budget Director, when the contracts were brought up last week the Mayor said that the salary increases were already in the budget. Mr. Enos said that he will be sending a letter to the Council to fund the Department raises and the individual contracts that were referred to this Committee.

Mrs. Carr noted that she asked the Mayor during the meeting and he said they were in the budget already.

Mr. Enos said technically they are in the Reserve Account. They would have to come before this Committee. The money was not built into the budget.

MEETING ADJOURNED AT 5:54 P.M.



Respectfully submitted,

Colleen Ellis

Colleen M. Ellis
Clerk of Council Committees

CITY CLERK

RECEIVED

2016 FEB - 2 - A 10:22

CITY CLERK'S OFFICE

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

Rm Blacwell

CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
JANUARY 26, 2016

THE COMMITTEE ON POLICE AND LICENSE

PRESENT WERE: COUNCILOR DAVID POTTIER, CHAIRMAN AND COUNCILORS MCCAUL AND BORGES. ALSO PRESENT WAS DETECTIVE DENNIS SMITH

MEETING CALLED TO ORDER AT 6:15 P.M.

Detective Smith provided a letter of Police Chief Edward Walsh which stated that the Taunton Police Department License Division finds nothing that would prevent the approval of the licenses listed on the Committee Agenda as Numbers 1 through 3.

1. **MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION OF JOHN RHOADES, 184 VAN BUREN STREET FOR A NEW SECOND HAND ARTICLE LICENSE D/B/A BOWSERS BASEMENT, 186 BROADWAY**

MOTION: MOVE APPROVAL. SO VOTED.

2. **MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION OF ROBERT ROSE, PRESIDENT OF HOMETOWN COLLECTIBLES INC. FOR A NEW OLD GOLD LICENSE FOR HOMETOWN COLLECTIBLES, INC., 2 GALLERIA MALL DRIVE**

MOTION: MOVE APPROVAL. SO VOTED.

3. **MEET WITH THE POLICE CHIEF ON PETITION FOR RENEWAL OF BILLIARD TABLE LICENSE FOR CLUBE IRMANDADE DO ESPIRITO SANTOS DOS ACRORES, INC., 88 WALES STREET**

MOTION: MOVE APPROVAL. SO VOTED.

The Chairman noted that he is looking to meet less regularly than in years past but getting more done when they do meet. The Chairman asked Detective Smith to convey this to the Chief.

4. **MEET TO DISCUSS AND RECOMMEND TO THE FULL COUNCIL POLICE OFFICER CANDIDATES**
The Chairman noted that members of the Committee, and also Councilor Cleary and Councilor Carr were present and met with the candidates. There were 2 definite openings that they called for the list for. The Chief originally looked to bring in 5 for the Committee to interview, but through checking their backgrounds he recommended that the Committee only meet with 3. He continued stating that the Committee did meet with 3 and you could not find three better candidates to have as officers in the City of Taunton to recommend for approval. While again, they were only hiring 2 at this round definitely, at least 4 with a couple more due to retirements. Therefore the Committee that evening recommended, per the Chief's recommendation, that we offer employment to all 3 candidates. The Committee agreed with the Chairman's statement. The Chairman further said that the names were, in order, because again this may be slotting for seniority, Matthieu Clifford, Ryan Fitzgerald and Corey Gomes.

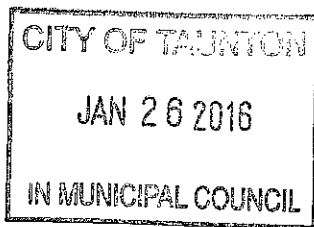
MOTION: THAT THIS COMMITTEE FORWARD THOSE NAMES TO THE FULL COUNCIL THIS EVENING FOR OFFERS OF EMPLOYMENT. SO VOTED.

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JANUARY 26, 2016

THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

MEETING ADJOURNED AT 6:19 P.M.



RESPECTFULLY SUBMITTED,

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.
GAVE CONDITIONAL OFFERS OF EMPLOYMENT TO:
MATTHEW CLIFFORD, RYAN FITZGERALD, COREY GOMES

CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
JANUARY 26, 2016

THE COMMITTEE ON ORDINANCES AND ENROLLED BILLS

PRESENT WERE: COUNCILOR JEANNE QUINN, CHAIRMAN AND COUNCILORS CLEARY AND
MCCAUL

MEETING CALLED TO ORDER AT 6:26 P.M.

**1. MEET TO DISCUSS POSSIBLE CHANGES TO THE CITY ORDINANCE RELATIVE TO THE
COMPOSITION OF THE TAUNTON NURSING HOME BOARD OF DIRECTORS**

The Chairman stated that the Committee is meeting tonight to consider the Motion that was made last week relative to the make up of the Taunton Nursing Home Board. They have had some changes in the make up of the Board, and she feels that it is a good time at this point to redefine the positions of the Board of Directors of the Nursing Home. The ordinance as it reads now calls for the following to be members of the Nursing Home Board:

- 1) A member of the Clergy
- 2) A family member of a resident of the Nursing Home
- 3) A business person with experience in personnel, fiscal management and business administration
- 4) A Registered Nurse
- 5) An individual with working knowledge of the Nursing Home industry and its regulations.

The suggestion was made to replace the Clergy member or redefine that position with an Attorney with experience in Elder Law, and just being a little more particular on the Registered Nurse to be a Registered Nursing currently working in a Nursing Home environment. This is what is in front of the Committee.

Councilor Cleary asked if they were still going to maintain the 5 members of the Board. It was stated that the current members are totally on board with maintaining a 5 member Board.

Councilor Cleary said he would suggest regarding replacing the Clergy member with the Attorney to add the word "preferably" with Elder Law experience because sometimes you cannot always find that Attorney with Elder experience, but you could put the word "preferable" with Elder Law experience. He also said that regarding the Registered Nurse currently working in a Nursing Home environment, he would prefer it to say "with Nursing Home experience" only because he does not want to be held by the language that we cannot appoint someone with years of experience but just because they are not working now could not serve on the Board. These are his 2 recommendations – an Attorney preferably with Elder Law experience and a Registered Nurse with Nursing Home experience. He would approve these. Councilor McCaul said he agrees.

Councilor Cleary then made the following Motion:

**MOTION: TO CHANGE THE MEMBER OF THE CLERGY TO AN ATTORNEY PREFERABLY
WITH EXPERIENCE IN ELDER LAW AND TO HAVE THE REGISTERED NURSE WITH
NURSING HOME EXPERIENCE.**

On discussion, Councilor Quinn said that she thinks their preference would be an Attorney with Elder Law experience secondarily an Attorney preferably with Elder Law experience, but in the absence of being able to obtain an Attorney someone with Elder Law experience. Councilor

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JANUARY 26, 2016

THE COMMITTEE ON ORDINANCES AND ENROLLED BILLS – CONTINUED

Quinn said she is not sure they would be able to have an Attorney that agrees to serve on the Board that has Elder Law experience.

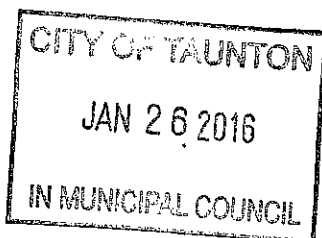
Councilor Borges said this was actually her motion and she thinks that the suggestions that have been made by this Committee so far are great suggestions. This came from her because she had met with several members of the Board and as a health care professional herself, she thought that it would be a better fit for the Nursing Home, but she is completely comfortable with, and totally agrees with both of the Councilors, having an Attorney preferably with Elder Law experience. That way we are not narrowing it down to just so few candidates. She also does not disagree with the Registered Nurse that is currently working in a Nursing Home environment, but maybe has experience. She thinks all the suggestions made are great suggestions.

The above motion was clarified as follows:

MOTION: TO HAVE AN ATTORNEY PREFERABLY WITH EXPERIENCE IN ELDER LAW, OR IN THE ALTERNATIVE A PROFESSIONAL WITH ELDER LAW EXPERIENCE, AND A REGISTERED NURSE WITH NURSING HOME EXPERIENCE. SO VOTED.

MOTION: TO REFER THIS TO THE CITY SOLICITOR TO MAKE THE CHANGES AND PROVIDE A DRAFT ORDINANCE FOR REVIEW. SO VOTED.

MEETING ADJOURNED AT 6:34 P.M.



Respectfully submitted,

A handwritten signature in cursive script that reads "Colleen Ellis".

Colleen M. Ellis
Clerk of Council Committees

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

A handwritten signature in cursive script that reads "Cm Blackwell".

CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
JANUARY 26, 2016

THE COMMITTEE OF THE COUNCIL AS A WHOLE

PRESENT WERE: COUNCIL PRESIDENT JEANNE QUINN AND COUNCILORS MARSHALL, CLEARY, BORGES, DERMODY, MCCAUL, POTTIER, CARR AND CROTEAU

MEETING CALLED TO ORDER AT 6:39 P.M.

1. MEET TO DISCUSS VACANCIES ON THE TAUNTON NURSING HOME BOARD OF DIRECTORS AND THE POSSIBLE FILLING OF ONE OR MORE VACANCIES

The Chairman stated that before this Committee tonight is the discussion on the vacancies on the Taunton Nursing Home Board of Directors, and hopefully filling a couple of those spots. She noted that the Ordinance Committee did meet tonight where they discussed the possibility and will be voted on by the full Council later on, redefining some of the members of the Board. Because there have been some resignations from the Board, they need to get a couple of those positions filled.

She further said that everyone has in their packet the recommendations from the Resident Council of a few of the family members out of which the Council can select or not select. She also said that Theresa Swartz is willing to stay on and Joseph Martin is willing to stay on. Councilor Cleary said that he wants to understand the parameters of this meeting now. He just read recently the recommendations of the 3 names which are relatives of residents of the Nursing Home. He asked how many can be recommended out of the 3, to which the Council President said there will be 1 member of those 3 that will serve as the family member on the Board of Directors.

Councilor Cleary then said that we have Joseph Martin and one family member from the 3, and asked if there were any other positions filled.

The Chairman said that Theresa Swartz who had initially thought about resigning has reconsidered and has agreed to stay on if it is the Council's wish that she stay on. She is currently the member with the Nursing Home experience.

Councilor Cleary asked what the Committee was to do at this time, appoint Joseph Martin and Theresa Swartz and pick one of the 3 names submitted by the Resident Council?

The Chairman said if the Council is so inclined, yes that is what they are looking for, the recommendation of what the Council's wishes are.

Councilor Borges said as per ordinance the Resident Council Association at the Taunton Nursing Home had to meet and give this recommendation to the Council of who they thought would be an appropriate family member of the resident of the Nursing Home, nominated by them. They gave 3 great names of really involved people at the Nursing Home. But she thinks what they are looking for today, is that the Council actually appoint one of those Resident Council members. She has had an opportunity to speak to some and look at this and based on the recommendation of the Resident Council, she will make the motion when it is appropriate, but she does have someone that she thinks would be a perfect candidate for that open position. As far as a business person with the experience with personnel, fiscal management and business administration, she thinks it is important for this Council to know that Joseph Martin sat as that person. Everyone's

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JANUARY 26, 2016

THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

appointments have expired, just so everybody knows, so we are just reappointing these members. Councilor Borges made the following motions:

MOTION: TO APPOINT JOSEPH MARTIN AS THE BUSINESS PERSON WITH THE EXPERIENCE WITH PERSONNEL, FISCAL MANAGEMENT AND BUSINESS ADMINISTRATION. SO VOTED.

MOTION: TO REFER MR. MARTIN FOR THE FULL COUNCIL FOR A VOTE THIS EVENING. SO VOTED.

MOTION: TO APPOINT EDWARD BOIROS AS THE TAUNTON NURSING HOME FAMILY MEMBER OF A RESIDENT TO THE BOARD OF DIRECTORS.

Councilor Cleary seconded this on discussion, and asked if the Taunton Nursing Home Board has a recommendation for the family member position.

Councilor Quinn said the Board feels that all 3 are qualified.

THE MOTION WAS VOTED ON, SO VOTED.

MOTION: TO NOMINATE THERESA SWARTZ HAS THE INDIVIDUAL THAT POSSESSES WORKING KNOWLEDGE OF THE NURSING HOME INDUSTRY AND REGULATIONS.

Councilor Dermody seconded the Motion.

Councilor Croteau noted that this is the second time that Theresa Swartz has submitted her resignation. He has definite reservations about this appointment and asked for a roll call vote on this motion.

ON A ROLL CALL VOTE, COUNCILORS MARSHALL, CLEARY, BORGES, DERMODY, MCCAUL, POTTIER, CARR AND QUINN VOTED IN FAVOR. COUNCILOR CROTEAU VOTED IN OPPOSITION. MOTION CARRIES, SO VOTED.

MOTION: THAT A LETTER BE DRAFTED BY THE MAYOR'S OFFICE AND PLACED ON THE AGENDA FOR NEXT WEEK AS WELL. SO VOTED.

Councilor Cleary then said there have been a couple of resumes that have been sent in, and we still have 2 vacancies. So, now we are looking for a lawyer with some elder experience or we could be looking for a Registered Nurse with nursing home experience if the Ordinance passes that the Committee voted on earlier.

The Chairman said that assuming that Ordinance gets passed, the Council will make appointments. They are still accepting resumes from anybody who may be interested in serving on the Board with those qualifications. The recommendation will come from the Council.

Councilor Borges said she does not think it is actually a formal sit down interview with these people. She thinks Councilor Carr made the motion a long time ago that anyone we appoint for any kind of Board, that we have a resume on file, so she thinks that it would be up to the Council to reach out to these individuals if a Councilor wants to have a conversation with them. She also said that people have told her that other resumes are coming.

Councilor Pottier asked if anything definitive came out of the Ordinance Committee meeting as far as the make up of the Board?

The Chairman said it was discussed and a Motion was made and voted on to replace the member which is designated as a Clergy member in the current Ordinance with an Attorney

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THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

Preferably with experience in Elder Law or in the alternative a professional with Elder Law experience. Councilor Pottier mentioned to the Committee that he finds challenging insofar as coming up with only 5 and picking one from Column A, one from Column B and one from Column C, there could be 2 from Column A who would be good Board members or there could be other members of the Community that could be valued resources to the Board who do not fit one of that set criteria. He is wondering if the Committee would perhaps entertain looking at adding 2 others to make 7 and have those other 2 be almost like a wildcard. It would help with quorum, and there have been challenges with quorum with only 5 members, it is an unpaid board and there have been challenges in the Nursing Home in general. He would like to see 2 more and those 2 being whatever the Council would deem fit to serve on the Board. He thinks the Council is narrowing the scope and that may be cheapening the experience we could have for a full Board out there at the Nursing Home.

The Chairman said the Council is not really narrowing the scope because there were 5 very defined positions before, but she agrees and is certainly open to discussing that.

Councilor Pottier said he would not make a Motion but that it is certainly something to discuss. Councilor Croteau said that he is concerned with the deficit at the Nursing Home. He would like to meet with the City Auditor, with the consultant Dominick Coppola, Joseph Martin, the Budget Director and the Mayor. The date and time of this meeting would be made available to all Council members for any Councilor that wishes to attend. He continued stating that he has had from the beginning reservations about the \$1.5 Million deficit. He does not think it is cash, he thinks it is paper. He also stated that you do not have to be a CPA to know that this is not a \$1.5 million deficit because it is an \$8 Million budget and he has been told that all the bills were paid on time. That would be creative accounting to get through the year, pay all your bills which for the most part would be based on \$8 Million and only have \$6 Million of revenue. He would like to, as soon as possible, have that meeting and look at the financial statements of the Nursing Home. He also has a memorandum from the Executive Office of Health and Human Services, and he has searched several times to ascertain the date this letter was written and he cannot find it. The letter does make reference to \$678,976.00 to which the Nursing Home is eligible, which will be sent to the City sometime between now and June 30th, 2016. This money is due to the City as a result of expenses covered by Medicare and Medicaid for Fiscal 2014. That is 2 years behind. So the question is why, and when the money does show up, where does it go? It cannot go to offset the expenses of Fiscal 2014. Councilor Croteau made the following motion:

MOTION: TO LOOK AT THE BOOKS FOR THE NURSING HOME, THE EXPENSES AND THE MONEY PAID TO WHAT HAS BEEN TERMED AS "THEIR BOSTON LAWYERS."

Councilor Borges seconded the Motion on discussion. She stated that last night during the meeting the Taunton Nursing Home Board actually did a nice job going over their financials and explaining everything to some of the Councilors. Some of the things that came up were that they had an estimate for a door, as an example, for \$3,700.00. She knows that Mr. Brennan followed up with an e-mail today from the Councilors suggestions, as to how the City can help with some of those installations to save money.

Councilor Dermody said that the Council needs to work with the Nursing Home Board, and that the Board moved their meetings to Mondays so that is a great start.

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THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

Councilor Croteau said that looking at their budget in the Auditor's office and the expenses, not just this year but previous years, he thinks they could save a significant amount of money. He will press forward as soon as he hears from Mr. Martin and look to schedule a meeting and make all of the information available to the full Council. He would also suggest, on Monday night, if a majority of the Council members are going to meet with the Nursing Home people there should be a joint posting as a City Council meeting and a Board of Directors meeting. Councilor Borges said that the next Nursing Home Board meeting is February 29th. Councilor Pottier also stated that there is no discussion in the community about closing the Nursing Home.

THE ABOVE MOTION WAS VOTED ON, AND SO VOTED.

It was also noted that one of the things discussed at the Board meeting was getting a designee from the Council to go to the Taunton Nursing Home Board meetings.

It was stated that this was discussed when the Council met to review the Rules of the Council. The Clerk was asked to resend to the Council the final draft of the Rules of the Council.

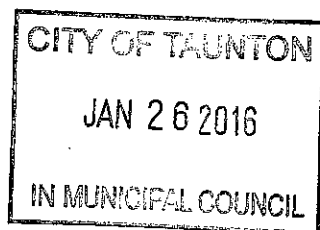
It was also noted that the Taunton Nursing Home will send the Clerk of Committees all of their minutes, etc.

MEETING ADJOURNED AT 7:08 P.M.

Respectfully submitted,



Colleen M. Ellis
Clerk of Council Committees



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



CITY CLERK